

## IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

UNITED STATES OF AMERICA

\* Case No. 378644V

vs.

NICOLAOS S. KANTARTZIS

\*\*\*\*\*

MOTION TO VACATE FOREIGN JUDGMENT AND NOTICE OF LIEN, AND  
REQUEST FOR ATTORNEY'S FEES

COMES NOW the Defendant Nicolaos Kantartzis ("Mr. Kantartzis") through undersigned counsel, Fani Kantartzis and Kantartzis Law, LLC, and hereby moves to Vacate the Foreign Judgment and Notice of Lien in the above-captioned action, and for attorney's fees, pursuant to Md. R. 1-341, and in support thereof, avers the following:

1. On July 1, 2013, the United States Government, through Assistant United States Attorney Andrew G.W. Norman ("Assistant U.S. Attorney Norman"), filed with this Court a Request to File Foreign Judgment against Mr. Kantartzis, purportedly stemming from an unpaid judgment entered against Mr. Kantartzis on January 4, 2012 by the U.S. District Court for the District of Maryland under criminal case number RWT-11-000511, for restitution, a court fine and fees totaling \$2,674,506.25. *See Docket Entry Nos. 1 and 2.*
2. Along with the aforementioned Request to File Foreign Judgment, Assistant U.S. Attorney Norman filed a Notice of Lien to attach upon Mr. Kantartzis' residence in Bethesda, Maryland. *See Docket Entry No. 2.*
3. However, the restitution amount ordered in criminal case number RWT-11-000511 was paid in full by Mr. Kantartzis and was deemed satisfied as of the date

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Clerk of the Circuit Court  
Montgomery County, Md.

the criminal judgment was imposed. *See United States District Court Judgment, attached herein as Exhibit A, at p. 4, ¶ 6.*

4. The restitution amount was paid pursuant to a Consent Order of Forfeiture, in which Mr. Kantartzis forfeited \$2,866,158.19 in U.S. currency- which represents \$232,029.94 above the restitution amount ordered. *See Consent Order of Forfeiture, attached herein as Exhibit B, at p. 1, ¶ 1. See also Exhibit A at p. 6, ¶ 1.*
5. The Honorable Judge Roger Titus, who presided over the criminal matter, further ordered Mr. Kantartzis to pay a fine of \$20,000.00 and an assessment of \$100.00, no later than 30 days from the entry of judgment. *See Exhibit A at p. 4, ¶ 5, and p. 6, ¶ 4.*
6. Four days later, on January 9, 2012, Mr. Kantartzis paid the \$20,000.00 fine as well as the \$100.00 assessment, as ordered. *See copies of check numbers 3990 and 3991 collectively attached herein as Exhibit C<sup>1</sup>.*
7. It appears that the Foreign Judgment recorded with this court by U.S. Attorney Norman completely disregards all payments made by Mr. Kantartzis, as the amount of the Foreign Judgment comprises the restitution amount of \$2,654,406.25, the fine of \$20,000.00, and the assessment of \$100.00.
8. On July 22, 2013, undersigned counsel contacted the United States Attorney's Office, and left a voice message for U.S. Attorney Norman, in an attempt to resolve this matter without the court's intervention. Mr. Norman's voice mail greeting indicated that he was out of the office.

<sup>1</sup> The checks attached as Exhibit B were paid by David Irwin, Esq., Mr. Kantartzis' attorney of record for the criminal case, through Mr. Kantartzis' escrow account.

9. Undersigned counsel called the United States Attorney's Office again, asking to speak to a supervisor, and was instructed to contact Ms. Angela Meadows, a Supervisory Paralegal Specialist with the United States Attorney's Office.
10. Between July 23, 2013 and July 24, 2013, undersigned counsel spoke with Ms. Meadows, who confirmed that Mr. Kantartzis had in fact paid the \$20,000.00 fine and \$100.00 assessment. However, Ms. Meadows would not confirm that the restitution amount had been paid, despite undersigned counsel's suggestion to review the Consent Order of Forfeiture and Judgment.
11. Md. R. 1-341, states,

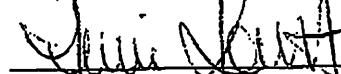
"In any civil action, if the court finds that the conduct of any party in maintaining or defending any proceeding was in bad faith or without substantial justification the court may require the offending party or the attorney advising the conduct or both of them to pay to the adverse party the costs of the proceeding and the reasonable expenses, including reasonable attorney's fees, incurred by the adverse party in opposing it."
12. Because all amounts sought in the foreign judgment and notice of lien at issue were promptly paid in full, the United States Attorney's Office had no right to record a judgment against Mr. Kantartzis and/or place a lien against his property.
13. The U.S. Attorney's Office was a party to the Consent Order of Forfeiture and was present during the imposition of the criminal judgment against Mr. Kantartzis, and was therefore aware of the restitution paid. Between July 23, 2013 and July 24, 2013, the U.S. Attorney's Office, via Ms. Meadows, also confirmed that Mr. Kantartzis had in fact paid a \$20,000.00 fine and \$100.00 assessment.

14. The current proceedings against Mr. Kantartzis were therefore, at best, brought and/or maintained "without substantial justification," entitling Mr. Kantartzis to reasonable attorney's fees.

15. The attorney's fees sought are \$300.00. This amount is fair and reasonable, as undersigned counsel's hourly rate is \$200.00 and counsel has expended over one hour and a half defending this proceeding.

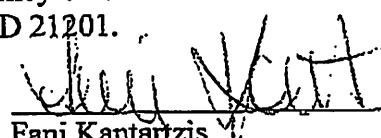
WHEREFORE, for the reasons stated herein, the Defendant respectfully requests that this Court Vacate the Foreign Judgment against him and Notice of Lien against his property, and award him attorney's fees in the amount of \$300.00, pursuant to Md. R. 1-341.

Respectfully Submitted,

  
Fani Kantartzis  
Kantartzis Law, LLC  
104 S. Washington Street  
Rockville, MD 20850  
Tel.: 240-706-7962  
Fax: 866-207-4984  
Email: fk@legalk.com

CERTIFICATE OF SERVICE

I HEREBY certify that on this 1<sup>st</sup> day of August, 2013, copy of the foregoing Motion was served via first class mail, postage prepaid, on Andrew G.W. Norman, Assistant United States Attorney, at U.S. Department of Justice/United States Attorney's Office for the District of Maryland, 36 S. Charles Street, Fourth floor, Baltimore, MD 21201.

  
Fani Kantartzis

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**ORDER**

UPON CONSIDERATION of the Defendant Nicolaos S. Kantartzis' Motion to Vacate Foreign Judgment and Notice of Lien, and Request for Attorney's Fees, and any response in opposition thereto, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2013, hereby,

ORDERED, that the Defendant's Motion to Vacate Foreign Judgment and Notice of Lien is hereby GRANTED; and it is further,

ORDERED, that the Defendant's Request for Attorney's Fees is hereby GRANTED, and that the United States Attorney's Office for the District of Maryland is ORDERED to pay the Defendant's reasonable attorney's fees in the amount of \$\_\_\_\_\_, payable to Kantartzis Law, LLC, 104 S. Washington Street, Rockville, MD 20850, within thirty (30) days from the date of this Order.

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Judge  
Montgomery County Circuit Court